No. 16-341

IN THE

Supreme Court of the United States

TC HEARTLAND, LLC D/B/A/
HEARTLAND FOOD PRODUCTS GROUP,

Petitioner,

v.

KRAFT FOODS GROUP BRANDS LLC,

Respondent.

ON WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE FEDERAL CIRCUIT

APPENDIX TO BRIEF OF THE INTELLECTUAL PROPERTY LAW ASSOCIATION OF CHICAGO AS *AMICUS CURIAE* IN SUPPORT OF NEITHER PETITIONER NOR RESPONDENT

SERENA PRUITT
President
THE INTELLECTUAL PROPERTY
LAW ASSOCIATION OF CHICAGO
P.O. Box 472
Chicago, IL 60609

ROBERT H. RESIS*
CHARLES W. SHIFLEY
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, IL 60606
(312) 463-5000
RResis@bannerwitcoff.com

DONALD W. RUPERT
MARSHALL, GERSTEIN
& BOURN LLP
233 South Wacker Drive
6300 Willis Tower
Chicago, IL 60606
(312) 474-6300

*Counsel of Record

270821

Library of Congress
Law Library

Appendix I

LexisNexis® CourtLink®
Nature of Suit Strategic Profile
Property Rights - Patent (830)
1/1/2015 - 12/31/2016
10782 Case(s)
All Courts

The following represents an analysis of Property Rights - Patent (830) cases filed in the following courts for All Courts.

GENERAL OVERVIEW

Total Cases Filed

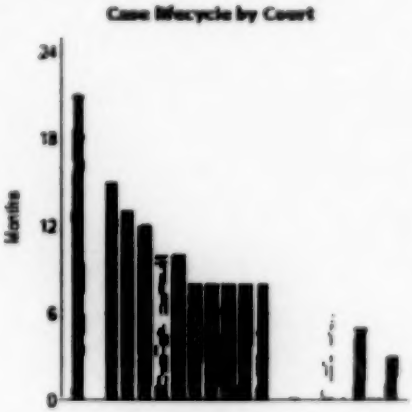
Total Cases Filed - Between 1/1/2015 and 12/31/2016. Property Rights - Patent (830)cases were filed with the following distribution based on date filed. These cases are restricted to those filed in All Courts.

Period	Count	Percent	Legend
2015	6028	55.91%	
2016	4754	44.09%	

Case lifecycle by Court

Time to resolution by court - Below is the average case duration for Property Rights - Patent (830) that were filed between 1/1/2015 and 12/31/2016. as measured from initial case filing date to judgment date. Cases that do not have online judgment data available are not included.

Court	Duration	Legend
New Jersey	1 year(s)	
Massachusetts	1 yr. 1 mo	
Florida - Middle	1 yr. 3 mo	
New York - Eastern	1 yr. 8 mo	



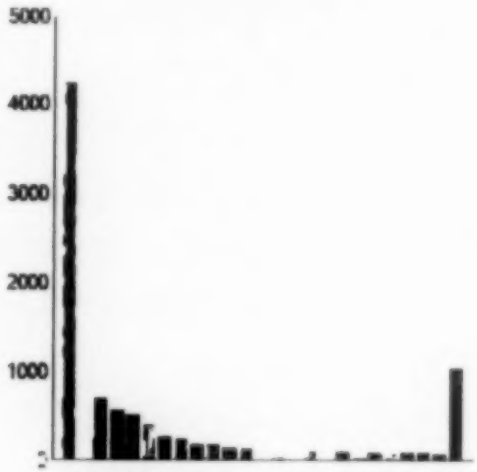
Washington - Western	6 month(s)	☐
Colorado	7 month(s)	☐
North Carolina - Eastern	7 month(s)	☐
California - Central	8 month(s)	■
California - Southern	8 month(s)	■
Florida - Southern	8 month(s)	■
Texas - Northern	8 month(s)	■
Virginia - Eastern	8 month(s)	■

Total Cases Filed By Court

Total Cases Filed - Between **1/1/2015** and **12/31/2016**, **10782** total **Property Rights - Patent (830)** cases were filed in the following Courts for the period

Court	Count	Percent	Legend
Alaska	1	0.01%	
Maine	1	0.01%	
South Dakota	1	0.01%	
Alabama - Southern	2	0.02%	
Georgia - Southern	2	0.02%	
Mississippi - Northern	2	0.02%	
New Mexico	2	0.02%	
Oklahoma - Northern	2	0.02%	
Washington - Eastern	2	0.02%	
West Virginia - Southern	2	0.02%	
Alabama - Middle	3	0.03%	
Illinois - Southern	3	0.03%	
Louisiana - Middle	3	0.03%	
North Dakota	3	0.03%	
Montana	4	0.04%	
Vermont	4	0.04%	
Arkansas - Western	5	0.05%	
Hawaii	5	0.05%	
Illinois - Central	5	0.05%	
New Hampshire	5	0.05%	
Iowa - Northern	6	0.06%	
Kentucky - Eastern	7	0.06%	
Kentucky - Western	7	0.06%	
Louisiana - Eastern	7	0.06%	
Mississippi - Southern	7	0.06%	
Tennessee - Middle	7	0.06%	
Georgia - Middle	8	0.07%	
Oklahoma - Western	8	0.07%	
Rhode Island	8	0.07%	

Case Count by Court



The top 24 Court (by case count) are represented by individual bars in the chart. The remaining Court are aggregated in the right-most bar, shown in dark purple color.

Alabama - Northern	9	0.08%	
Idaho	9	0.08%	
Tennessee - Eastern	9	0.08%	
New York - Northern	10	0.09%	
Virginia - Western	10	0.09%	
South Carolina	11	0.10%	
Dist. Of Columbia	12	0.11%	
Iowa - Southern	12	0.11%	
Nebraska	12	0.11%	
Arkansas - Eastern	13	0.12%	
Florida - Northern	13	0.12%	
Louisiana - Western	13	0.12%	
Missouri - Western	14	0.13%	
Indiana - Northern	16	0.15%	
Puerto Rico	16	0.15%	
Tennessee - Western	17	0.16%	
California - Eastern	19	0.18%	
Kansas	21	0.19%	
New York - Western	24	0.22%	
Michigan - Western	26	0.24%	
Missouri - Eastern	26	0.24%	
Pennsylvania - Western	28	0.26%	
Wisconsin - Western	29	0.27%	
West Virginia - Northern	30	0.28%	
Indiana - Southern	33	0.31%	
Pennsylvania - Middle	33	0.31%	
North Carolina - Middle	34	0.32%	
North Carolina - Eastern	35	0.32%	
Ohio - Southern	37	0.34%	
Oregon	38	0.35%	
Wisconsin - Eastern	43	0.40%	
North Carolina - Western	46	0.43%	
Pennsylvania - Eastern	46	0.43%	

Maryland	55	0.51%	
Arizona	59	0.55%	
Connecticut	69	0.64%	
Nevada	70	0.65%	
Texas - Southern	75	0.70%	
Ohio - Northern	78	0.72%	
New York - Eastern	83	0.77%	
Washington - Western	83	0.77%	
Colorado	93	0.86%	
Minnesota	94	0.87%	
Texas - Western	101	0.94%	
Utah	103	0.96%	
Georgia - Northern	107	0.99%	
Virginia - Eastern	115	1.07%	
Michigan - Eastern	132	1.22%	
Massachusetts	135	1.25%	
Florida - Middle	149	1.38%	
Texas - Northern	178	1.65%	
California - Southern	180	1.67%	
New York - Southern	258	2.39%	
Florida - Southern	266	2.47%	
Illinois - Northern	401	3.72%	
New Jersey	517	4.80%	
California - Central	567	5.26%	
California - Northern	701	6.50%	
Delaware	1003	9.30%	
Texas - Eastern	4244	39.36%	

Copyright © 2017 LexisNexis, a division of Reed Elsevier Inc. All rights reserved.

Appendix II

Docket Navigator Search ResultsDocket Navigator available at http://home.docketnavigator.com/

Ruling on Motion to stay litigation pending *inter partes review*	All district courts – see Search for All District Courts below	E.D. Tex.- see Search for Eastern District of Texas below	E.D. Texas as a % of all district court rulings
Granted	421	42	10%
Denied	111	12	10.8%
Denied without prejudice	67	11	16.4%

Search for All District Courts – Source: See first screen shot below.

Search terms – center of first screen shot	
Type of court document	Motion to Stay Pending Inter Partes Review
Order filed date	between January 1, 2015 and December 31, 2016

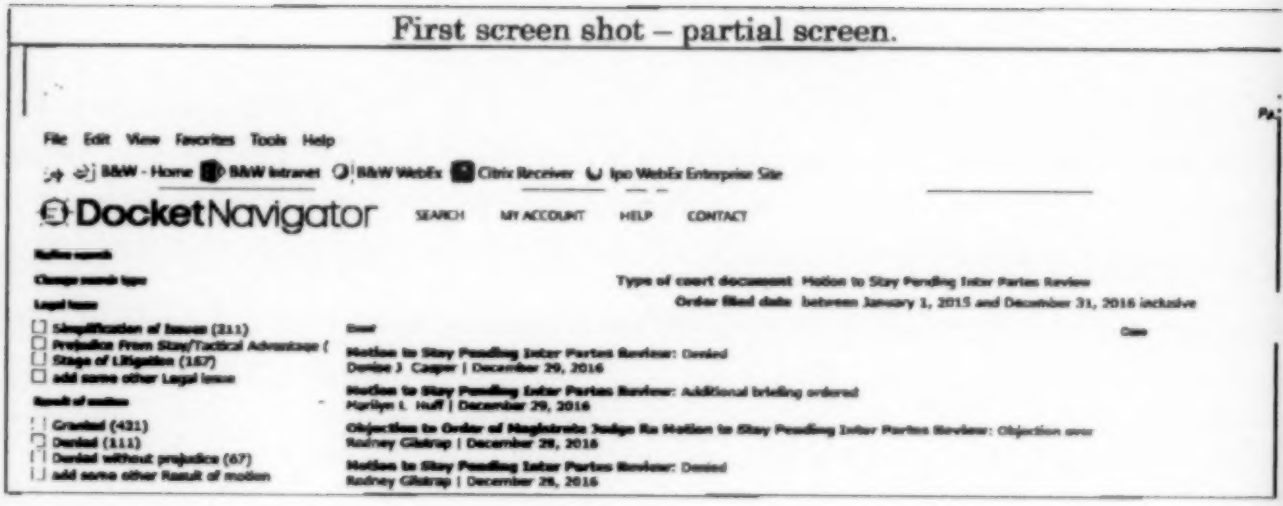
Search Results	
Result of motion – left side of first screen shot	
Granted	(421)
Denied	(111)
Denied without prejudice	(67)

Search for Eastern District of Texas – Source: See second screen shot below.

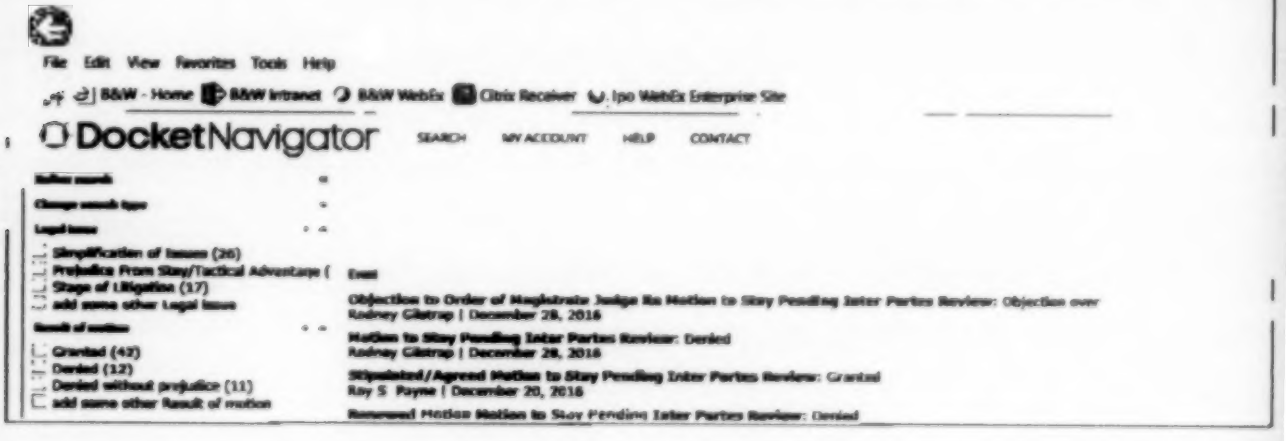
Search terms – center of second screen shot	
Type of court document	Motion to Stay Pending Inter Partes Review
Court/Agency	Texas Eastern District
Order filed date	between January 1, 2015 and December 31, 2016

Search Results	
Result of motion – left side of second screen shot	
Granted	(42)
Denied	(12)
Denied without prejudice	(11)

First screen shot – partial screen.


File Edit View Favorites Tools Help
B&W - Home
B&W Intranet
B&W WebEx
Citrix Receiver
Ipo WebEx Enterprise Site
DocketNavigator
SEARCH
MY ACCOUNT
HELP
CONTACT
Type of court document Motion to Stay Pending Inter Partes Review
Order filed date between January 1, 2015 and December 31, 2016 inclusive
Simplification of issues (211)
Prejudice From Stay/Tactical Advantage (
Stage of Litigation (167)
add some other Legal issue
Granted (431)
Denied (111)
Denied without prejudice (67)
add some other Result of motion
Motion to Stay Pending Inter Partes Review: Denied
Denise J. Casper | December 29, 2016
Motion to Stay Pending Inter Partes Review: Additional briefing ordered
Marilyn L. Huff | December 29, 2016
Objection to Order of Magistrate Judge Re Motion to Stay Pending Inter Partes Review: Objection over
Rodney Gilstrap | December 28, 2016
Motion to Stay Pending Inter Partes Review: Denied
Rodney Gilstrap | December 28, 2016

Second screen shot – partial screen.


File Edit View Favorites Tools Help
B&W - Home
B&W Intranet
B&W WebEx
Citrix Receiver
Ipo WebEx Enterprise Site
DocketNavigator
SEARCH
MY ACCOUNT
HELP
CONTACT
Simplification of issues (20)
Prejudice From Stay/Tactical Advantage (
Stage of Litigation (17)
add some other Legal issue
Granted (42)
Denied (12)
Denied without prejudice (11)
add some other Result of motion
Objection to Order of Magistrate Judge Re Motion to Stay Pending Inter Partes Review: Objection over
Rodney Gilstrap | December 28, 2016
Motion to Stay Pending Inter Partes Review: Denied
Rodney Gilstrap | December 28, 2016
Stipulated/Agreed Motion to Stay Pending Inter Partes Review: Granted
Ray S. Payne | December 20, 2016